

## **REMARKS**

In the Office Action of August 12, 2005, claims 11, 12, 39 and 40 were indicated to be allowable if placed in independent form. Claims 11, 12, 39 and 40 have been amended accordingly, i.e. claim 11 has been amended to include the subject matter of claims 1, 2 and 9, while claims 39 and 40 have been amended to include the subject matter of claim 1; claim 12 is dependent on allowable claim 11. Thus these claims should now be allowable along with the allowed claims 31-34 and 42.

The remaining claims, 1-10, 13-30, 35-38 and 41 were rejected as anticipated by one or more of the three noted references '759 Niles, '342 Nelsson and '934 Swenson. These rejections are respectfully traversed. Let us first separately examine the relevance, or lack thereof, of each of these references.

### A. '759 Niles

A simple review of '759 Niles clearly shows its lack of relevance to the present invention. Niles is directed to a "Belt Loop" with a construction totally unrelated to applicant's "RETAINER CLIP"! The '759 Niles patent makes reference to a prior related patent No. 1,039,995 for a "Garment Supporter". The '995 Niles patent shows even further the total lack of relevance of '759 Niles. It cannot be seen how one skilled in the art would in any way see even a remote suggestion of the retaining clip of the present invention from '759 Niles which disclosed a totally different structure for a totally unrelated use. Clearly not only does '759 Niles not "anticipate" the present invention but it is so unrelated that it can in no way render the present invention "obvious".

### B. '342 Nelsson

This patent is directed to a clip for holding a plasterboard wall to a support or brace to facilitate formation of a wall. Here the clip is provided with a sharp point (16) at one finger to facilitate its penetration through the plasterboard. Further details of the clip and its use are shown in the related Nelsson patent No. 2,472,756 to which the '342 Nelsson is referred to as a continuation-in-part. Again, clearly there is a total lack of relevance of the '342 Nelsson to the present invention. In this regard not only does '342 Nelsson not "anticipate" the present invention but it is so unrelated that it can in no way render the present invention obvious.

Once again it cannot be seen how one skilled in the art would in any way see even a remote suggestion of the retaining clip of the present invention from '342 Nelsson which discloses a totally different structure for a completely unrelated use.

C. '934 Swenson

This patent is directed to a spacer for positioning a wire mesh in molds for reinforcement of concrete structures. Here the spacer is simply used to locate the wire mesh in the mold to provide reinforcement for the molded article at a predetermined desired location. This can be seen in Figure 4. The members of the wire mesh are separately secured together and the spacer is then connected to the assembled wire mesh solely as a locator.

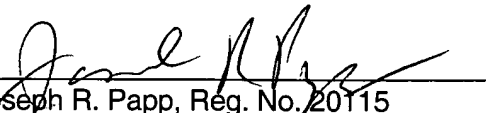
Clearly, '934 Swenson is not even remotely relevant to the clip of the present invention. One skilled in the art would not in any way see any relevance of '934 Swenson, for a locator for a wire mesh, for reinforcement of concrete structures, to the present invention. Once again '934 Swenson in no way can "anticipate" or render "obvious" the present invention.

### Further Comment

Claim 1, the only independent claim of those rejected, is being amended to simply further define its use and still clearly defines over the references of record. Also it is clear that claim 1 fully meets the Examiner's statement of reasons for allowance of the allowed claims. The Examiner's attention is also directed to the numerous other rejected claims which are dependent directly or indirectly on claim 1 and which further define applicants' clip.

In reviewing the Office Action it was noted that no list was included of the patents cited in the original IDS filed with the application on 11/03/03, although I understand from the record that they were considered. Also the two other patents discussed above, i.e. '995 Niles and '756 Nelsson are referenced in the accompanying Supplemental IDS.

In view of the above, favorable consideration is respectfully requested. However, if the Examiner has any further questions, he is respectfully requested to contact counsel for applicant so that any necessary further action can be expedited.

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